

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE CITY COUNCIL OF THE CITY OF ST. PAUL

In Re: The Currency Exchange License
Application of: Check Express Minnesota
1532 University Avenue West, #100
St. Paul, MN 55104

FINDINGS OF FACT
CONCLUSIONS AND RECOMMENDATION

The above-entitled matter came on for hearing before Administrative Law Judge Howard L. Kaibel, Jr., on September 12, 1995 in the Ramsey County Courthouse. The record closed at the conclusion of the scheduled hearing.

Philip B. Byrne, Assistant City Attorney, City of St. Paul, 400 City Hall and Courthouse, 15 West Kellogg Boulevard, St. Paul, Minnesota 55102, appeared on behalf of the City of St. Paul. The Applicant appeared on his own behalf, without benefit of counsel.

This Report is a recommendation, not a final decision. The Council of The City of St. Paul will make the final decision after a review of the record which may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations contained herein. Pursuant to Minn. Stat. § 14.61, the final decision of the City Council shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the City Council. Parties should contact Council of the City of St. Paul, 310 City Hall, St. Paul, MN 55102, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

Should this application for a currency exchange license, under Minn. Stat. § 53A, be approved by the Council of the City of St. Paul, after published notice and hearing.

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Notice of Public Hearing in this matter was served by the City of St. Paul on the Applicant on August 31, 1995 by mail.
2. In accordance with Minn. Stat. § 53A.04 and Chapter 381 of the St. Paul Legislative Code, Troy Gilbertson, License Enforcement Auditor, notified interested

persons of the public hearing, scheduled for September 12, 1995 by publication and by letter, on August 31, 1995.

3. There were no appearances, other than the appearance by the Applicant and the Assistant City Attorney, Mr. Byrne, at the scheduled public hearing. No testimony was taken. The hearing was scheduled to begin at 9:30 a.m. After waiting until 9:45 a.m. for possible appearance by members of the public, the undersigned, the Applicant, and Mr. Byrne concurred that there was no need to take testimony or to otherwise proceed with a formal hearing. Mr. Byrne submitted the City's exhibits, indicating that he had not been contacted by any interested persons after the issuance of the Notice of Public Hearing and that the application was in order.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Council of the City of St. Paul and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. § 14.50-14.67 and the St. Paul Legislative Code, Minn. Stat. §§ 310.05 and 310.06.

2. The City of St. Paul has fulfilled all relevant substantive and procedural requirements of law and rule.

3. The City of St. Paul has given proper notice of the hearing in this matter including proper notice in accordance with the requirements set forth in Minn. Stat. § 53A and Chapter 381 of the Legislative Code of the City of St. Paul.

4. The Applicant has fully complied with the application requirements specified by law.

5. No members of the public have opposed the application for licensure..

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS RESPECTFULLY RECOMMENDED: that the Council of the City of St. Paul approve the currency exchange license application of Check Express Minnesota.

Dated this 15th day of September, 1995

/s/

HOWARD L. KAIBEL, JR.
Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

STATE OF MINNESOTA))
COUNTY OF HENNEPIN) SS

AFFIDAVIT OF SERVICE BY U.S. MAIL

Margaret K. Isleman, being first duly sworn, hereby deposes and says that on the 15th day of September, 1995, at the City of Minneapolis, county and state aforementioned, she served the attached Findings of Fact, Conclusions and Recommendation; 5-2101-9997-2 by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with first class postage prepaid and addressed to the individuals named herein.

Council of the City of St. Paul
310 City Hall
St. Paul, MN 55102

Philip B. Byrne, Assistant City Attorney,
City of St. Paul
400 City Hall and Courthouse
15 West Kellogg Boulevard
St. Paul, Minnesota 55102

Check Express Minnesota
1532 University Avenue West #100
St. Paul, MN 55104

Margaret K. Isleman

Subscribed and sworn to before me
this 15th day of September, 1995

Notary Public